

HOUSE JOINT MEMORIAL 39

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Ray Begaye

A JOINT MEMORIAL

REQUESTING THE UNITED STATES GOVERNMENT TO SETTLE THE *COBELL V. NORTON* CLASS ACTION LAWSUIT.

WHEREAS, the class action lawsuit pending in federal court entitled *Cobell v. Norton* involves approximately five hundred thousand plaintiffs, many of whom are Native Americans residing in New Mexico; and

WHEREAS, *Cobell v. Norton* seeks to have the federal government render an accounting of the individual Indian trust, a trust established by the federal government in 1887 when reservation lands were divided by the United States congress into individual allotments and more than fifty million acres of land were taken into trust on behalf of individual Indian trust beneficiaries; and

WHEREAS, individual allotments held in trust by the

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1 federal government were leased for grazing, quarrying and the
2 extraction of minerals and other valuable natural resources;
3 and

4 WHEREAS, more than one hundred fifty billion dollars
5 (\$150,000,000,000) are estimated to be owed by the federal
6 government to individual Indian trust beneficiaries but not a
7 single beneficiary has ever been provided an accounting of the
8 individual's own trust benefits; and

9 WHEREAS, New Mexico is one of the top five states in the
10 nation in individual Indian allotments; and

11 WHEREAS, New Mexico is among the top three states in the
12 nation in percentage of land belonging to Native Americans, and
13 more than eight million acres of land nationwide, including
14 oil, gas and mineral rights, are currently within Indian trust
15 land and under trusteeship of the secretary of the United
16 States department of the interior; and

17 WHEREAS, almost four thousand allotments belong to members
18 of the Navajo Nation and more than four thousand five hundred
19 allotments belong to members of the Jicarilla Apache Nation;
20 and

21 WHEREAS, the Jicarilla Apache Nation is the single largest
22 non-federal mineral owner in the basin, and during more than
23 thirty-five years of gas and oil activity on the reservation,
24 over two thousand seven hundred natural gas wells were drilled;
25 and

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1 WHEREAS, according to factual findings already made in
2 *Cobell v. Norton* much of the affected land in New Mexico has
3 been leased or sold at prices far below fair market value; and

4 WHEREAS, numerous named federal defendants, including past
5 and present secretaries of the United States departments of the
6 interior and the treasury, have been held in contempt of court
7 numerous times for their conduct in the course of litigation in
8 *Cobell v. Norton*; and

9 WHEREAS, a positive resolution to the accounting and
10 fiduciary issues at the heart of *Cobell v. Norton* would have a
11 long-term impact on the administration of Indian allotments in
12 New Mexico and establish key reforms that would ensure that
13 Native Americans throughout New Mexico would finally receive
14 accurate accounting of payments or land held in trust by the
15 federal government; and

16 WHEREAS, a fair settlement of the issues at stake in
17 *Cobell v. Norton* could result in financial payments to and a
18 significant improvement in the quality of life for many Native
19 Americans residing in New Mexico;

20 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
21 STATE OF NEW MEXICO that the United States government be
22 requested to participate in good faith in efforts to settle the
23 *Cobell v. Norton* federal class action lawsuit; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the president of the United States; the

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1 secretary of the United States department of the interior; the
2 secretary of the United States department of the treasury; the
3 United States attorney general; the president of the Navajo
4 Nation; the speaker of the Navajo Nation council; the president
5 of the Mescalero Apache Tribe; the president of the Jicarilla
6 Apache Nation; and the members of the New Mexico congressional
7 delegation.

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